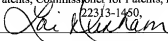


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT:	Christopher T. Boyle	CUSTOMER NO.	29,335
SERIAL NO.:	09/716,146	Examiner:	C. Miller
Filed:	11/17/2000	Art Unit:	3738
Conf. No.:	6734		
Title:	DEVICE FOR IN VIVO DELIVERY OF BIOACTIVE AGENTS AND METHOD OF MANUFACTURE THEREOF		

Certificate of Electronic Transmission

I certify that this document (along with any documents referenced as being included herewith) is being transmitted on this the 19th day of November, 2009 addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Lori Dunham

Mail Stop Appeal Brief – Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Dear Sir or Madam:

Appellant submits herewith a response to the Notification of Non-compliant Appeal Brief dated October 22, 2009. The Notification stated that the brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 C.F.R. §41.37(c)(1)(iii)). The Notification also stated that Status of Claims identified must identify the status of all claims filed in the application and the entire brief is not required, only the section found defective. The Applicant submits herewith the Status of Claims that identifies the status of all the claims filed in the application.

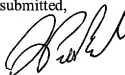
3. Status of Claims

Claims 1-15, 17-19, 21-25, and 29 are canceled. Claims 16, 20, 26-28, and 30-37 are pending and finally rejected under 35 U.S.C. §103(a). The rejection of each pending claim is under appeal.

Conclusion

Should the Examiner believe that there are any outstanding matters capable of resolution by a telephone interview; the Examiner is encouraged to telephone the undersigned attorney of record. Accordingly, Appellant does not believe any additional fees are due in the Appeal Brief; however, the Commissioner is authorized to charge any additional fees regarding this filing, and/or credit any overpayment to deposit account No. 18-2000.

Respectfully submitted,



J. Peter Paredes
Reg. No. 57,364

November 19, 2009

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